



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

WK:SP
F. #2023R00367

271 Cadman Plaza East
Brooklyn, New York 11201

August 4, 2023

By E-Mail and ECF

Kathryn Wozencroft, Esq.
Federal Defenders of New York
1 Pierrepont Plaza, 16th Floor
Brooklyn, New York 11201
Kathryn_Wozencroft@fd.org

Re: United States v. Abu Chowdhury
Criminal Docket No. 23-278 (NRM)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery in the above-captioned case, which is Bates-numbered EDNY_000001 to EDNY_000048. The government has made this production available to you via the USAfx file-sharing platform. The government also requests reciprocal discovery from the defendant.

I. **The Government's Discovery**

A. **Statements of the Defendant**

Federal agents interviewed the defendant on July 10, 2023 at 26 Federal Plaza, New York, NY. This interview was recorded on video, which is provided in a file Bates stamped EDNY_00009.

B. **The Defendant's Criminal History**

The government is unaware of any criminal history for the defendant at this time.

C. Documents and Tangible Objects

- Video footage files, text files and corresponding video from 17-561 Hillside Avenue, Queens, NY depicting May 11, 2023 (73 total files) which is provided in a file Bates stamped EDNY_00001
- Video footage files, text files and corresponding video from 84-04 Parsons Boulevard, Queens, NY depicting May 11, 2023 (40 total files) which is provided in a file Bates stamped EDNY_00002
- Video footage from 175-62 Hillside Avenue, Queens, NY depicting May 11, 2023 (1 total file) which is provided in a file Bates stamped EDNY_00003
- Video footage from 72-08 Broadway, Queens, NY depicting May 11, 2023 (4 total files) which is provided in a file Bates stamped EDNY_00004
- Video footage from 112-23 Roosevelt Avenue, Queens, NY depicting May 11, 2023 and May 13, 2023 (751 total files) which is provided in a file Bates stamped EDNY_00005
- Invoice from the Corona Hotel dated May 11, 2023 which is provided in a file Bates stamped EDNY_00006-EDNY_0007
- A still image photograph of the defendant inside the Corona Hotel on May 11, 2023 Bates stamped EDNY_00008
- New York City Police Department (“NYPD”) Arrest Report Q23620832-L in which the defendant was the arrestee which is provided in a file Bates stamped EDNY_00010- EDNY_00012
- NYPD Complaint Report 2023-107-3652 corresponding to NYPD Arrest Report Q23620832-L in which the defendant was the arrestee which is provided in a file Bates stamped EDNY_00013- EDNY_00015
- NYPD DAS Phone Summary pertaining to the defendant’s phone number which is provided in a file Bates stamped EDNY_00016
- Still image photograph of the defendant on the second floor of the Corona Hotel on May 11, 2023 which was shown to the defendant during his interview with federal agents on July 10, 2023 which is provided in a file Bates stamped EDNY_00008
- Photograph taken on June 1, 2023 of the back of the defendant’s blue iPhone which is provided in a file Bates stamped EDNY_000017

- Photograph taken on June 1, 2023 of the front of the front of the defendant's blue iPhone which is provided in a file Bates stamped EDNY_000018
- Registration information for BMW with license plate KFZ4787 which is provided in a file Bates stamped EDNY_000019- EDNY_000022
- Video footage of the defendant entering the Corona Hotel on May 12, 2023 which was shown to the defendant during his interview with federal agents on July 10, 2023 which is provided in a file Bates stamped EDNY_000023
- Video footage of the defendant and victim leaving the Corona Hotel on May 13, 2023 which was shown to the defendant during his interview with federal agents on July 10, 2023 which is provided in a file Bates stamped EDNY_000024
- NYPD Property Clerk Invoice for defendant's blue iPhone, red iPhone, and phone case which is provided in a file Bates stamped EDNY_000025- EDNY_000026
- Photograph of the back of the defendant's red iPhone which is provided in a file Bates stamped EDNY_000027
- Photograph of the front of the front of the defendant's red iPhone which is provided in a file Bates stamped EDNY_000028
- NYPD Complaint Report 2023-103-3680 in which the defendant was the reporter which is provided in a file Bates stamped EDNY_000029- EDNY_000031
- Cellebrite extraction report of text message from phone number ending in 8763 to phone number ending in 7836 on May 11, 2022 at 12:52 a.m. which is provided in a file Bates stamped EDNY_000032- EDNY_000043
- Photo of the attachment in text message from phone number ending in 8763 to phone number ending in 7836 on May 11, 2022 at 12:52 a.m. which is provided in a file Bates stamped EDNY_000044
- Attached file in text message from phone number ending in 8763 to phone number ending in 7836 on May 11, 2022 at 12:52 a.m. which is provided in a file Bates stamped EDNY_000045
- Video footage of two vehicles arriving at Corona Hotel on May 11, 2023 which was shown to the defendant during his interview with federal agents on July 10, 2023 which is provided in a file Bates stamped EDNY_000046

- Video footage from 72-08 Broadway, Queens, NY depicting May 11, 2023 which was shown to the defendant during his interview with federal agents on July 10, 2023 which is provided in a file Bates stamped EDNY_000047
- ZetX open-source lookup results for defendant's phone number which is provided in a file Bates stamped EDNY_000048

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

There are no reports of examinations or tests that relate to the kidnapping charged in the indictment. The government will provide you with copies of any relevant reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at the trial and provide you with a summary of the expert's opinion.

F. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before the trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of the trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at the hearing, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or

otherwise rely upon at the hearing, or that were prepared by a witness whom the defendant intends to call at the hearing.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of the hearing.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at the hearing under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

III. Emails Sent and Received by Defendants Incarcerated at a Bureau of Prisons Facility

The government may request that the Bureau of Prisons (“BOP”) produce to the government emails sent and received by the defendant during his/her period of incarceration at a BOP facility (collectively, “BOP email communications”). While it is the government’s position that BOP email communications, including those between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, are not privileged communications, in most instances, the government will request that the BOP exclude from any production communications between the defendant and his or her attorneys and other legal assistants and paralegals on their staff, if you provide the full email addresses for such attorneys, legal assistants and paralegals by August 18, 2023. To enable this process, the government requests that you send an email to the undersigned Assistant U.S. Attorney with the list of email addresses in the body of the email. If you subsequently wish to provide an email address for an additional attorney, legal assistant or paralegal or change any of the previously-provided email addresses, you should send an email with the complete list of email addresses, including email addresses that remain unchanged, in the body of the email.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office

cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Stephanie Pak
Stephanie Pak
Assistant U.S. Attorney
(718) 254-6064

cc: Clerk of the Court (NRM) (by ECF)